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Lafferty v. Jones

IV

Pattis' final claim is that the trial court's disciplinary order suspending him from the practice of law for a period of six months was arbitrary and disproportionate. In light of our conclusion in part III of this opinion that the court improperly determined, in whole or in part, that Pattis violated rules 1.15 (b), 3.4 (3), and 5.1 (c) of the Rules of Professional Conduct, we further conclude that (1) the court's disciplinary order, which was not predicated on Pattis' violation of any particular rule, cannot stand, and (2) we must remand the case for a new hearing on sanctions before a different judge. See General Statutes § 51-183c;⁵⁴ Practice Book § 1-22 (a); see also *O'Brien v. Superior Court*, 105 Conn. App. 774, 797 and n.27, 939 A.2d 1223 (citing Practice Book § 1-22 (a) in remanding case to trial court for further hearing on certain sanctions after concluding that evidence did not establish that plaintiff in error violated two out of four Rules of Professional Conduct), cert. denied, 287 Conn. 901, 947 A.2d 342 (2008).⁵⁵

The writ of error is granted in part and the case is remanded with direction to vacate the trial court's findings that the plaintiff in error violated Rules of Professional Conduct 1.15 (b), 3.4 (3), and 5.1 (c) in part, as well as the court's disciplinary order, and for further proceedings consistent with this opinion; the writ of error is denied in all other respects.

In this opinion the other judges concurred.

⁵⁴ General Statutes § 51-183c provides: "No judge of any court who tried a case without a jury in which a new trial is granted, or in which the judgment is reversed by the Supreme Court, may again try the case. No judge of any court who presided over any jury trial, either in a civil or criminal case, in which a new trial is granted, may again preside at the trial of the case."

⁵⁵ To be clear, our decision to remand the matter to a different judge should not be construed in any manner as calling into question Judge Bellis' impartiality in conducting the disciplinary proceedings against Pattis.

NOTE: This page (225 Conn. App. 611) is in replacement of the same numbered page that appears in the Connecticut Law Journal of 28 May 2024.